App. F. IX-4

Previous References

193 5.
(Leave)

File No. 53-3

Serial Nos. 3

Letter References.

CS 214-37-1-2

CS 262-40 (1-5)

CS 153 to 175/45-46

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nil

Part B for October 36

SUBJECT.

Papers relating to Iron Cross war purple competitions &c

WD 0418—GPB—22,500—29-8-36

M Synge
29/10/36

Serial No.

From,

The Manager, Vishwakarnataka
no. 1689/36 dtd 22-2-36 inviting attention
to the leader published on the 16th Jan'y 36
re: Cross word Puzzle Competition, and
enclosing pamphlets on "good wife and
happiness" and other Competitions, and
requesting Govt to take up this
question seriously and put an end to
this evil by some legislative action or
Executive order.

1) A Kannada translation of a Goa Judgement in a case on the King's Bench Division is published in Vishwakarnataka of 4-2-36. It has been held that the Cross word Competition is a regular Lottery. See sec 4 D.P.C. dealt with for an offence of keeping lottery office. No other legislation as suggested seems necessary. The pamphlets now received may be sent to the D.I.G.P. or the D.M. for disposal. Necessary action can be taken against such offices existing in Mys. State. Sec 294 A. D.P.C. is not an extraditable offence. It is therefore difficult to prevent foreigners from sending cross word puzzle Competitions.

Cr. Law Journal of India vol 37. Jan 36 is not available in the Law?

Submitted for orders.

151 20/2

2) Please find out the ref to the K.B. decision

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

Law File No. 156 of 1936. General and Revenue Secretariat

3) The English Law Journal of nov 16. 1935 Containing the K.B. decision is put up.

TSD 6/3

4) The ref^ce put up is to an article on the decision & not the report of the decision itself - Please bring up with the index of Vol LXXX

pnp 6/3

5) The Law Journal Containing ~~the~~ decision is put up.

TSD 9/3

6) The decision of the Kings Bench consisting of Lord Chief Justice Hewart and Humphreys & Swift etc J.J in Coles vs Odhams Press Ltd is in favour of viewing many of the Cross word puzzles published in almost all newspapers & periodicals as lotteries and consequently in proper cases action may be taken to prosecute the publishers etc under Sec 294 A I.P.C. But - in view of the fact that such publication is ~~not~~ generally allowed unnoticed in British India and that any action that we may take ~~cannot~~ can be only against persons

English Law Journal Vol 80, page 380

General and Revenue Secretariat | Law File No. 156 of 1935. | [App. F. III—2

Serial No.

in suppose, it is a point for consideration if it is desirable to launch ~~a~~ prosecutions under sec 294 A. I.P.C. Perhaps the I.G.P may be requested to furnish his views in the matter.

Gen Secy } Yes. 11/3 10/3/36
Chief Secy }

GENERAL SECT. 11 MAR 1936 276

12 March 1936

11/3 12/3 13

Depy Secy.
Fwd. L.G. No. P 162/36 dated 14-3-1936.

8) Forwarded with Compliments to the I.G.P for favour of remarks if any.

B.O.

C-1240/35-36 & 28.3.36. Entire file

Secy to Govt 14/3 for General Secy

ISD 14/3

Returned with compliments:

9) *The fact the cross word puzzles of a certain and common type have been held to be lotteries in England, the decision may hold good in India.*

10) *There are other types of puzzles on which a decision has not been given and regarding which legal opinion is required. Such puzzles consist in one case of the sub stitution of letters for dashes to make words with a*

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

given letter or letters and are of a like nature with the common cross word puzzle in that the solution is predetermined and may be arbitrary. There is also the "Good Will Link" or chain which consists in sending a small sum to the first person in a list and passing the lists on for others to subscribe in the same manner in the hope that eventually the senders name may come to the top of the list and he become the recipient of the donations. The achievement of the purpose indicated depends on the chain remaining unbroken to infinitude. In the nature of things this is a lottery, but whether the scheme can legally be classed as such is a matter for legal opinion.

11) Presumably, action will be taken in the matter. In British India in view of the decision of the English Court but with or without that action there appears no reason why action should not be taken in Mysore provided such action is practicable. Numbers of papers, some of them of standing, publish such competitions, most of them being published outside the State. The only action that seems possible is to exclude papers publishing such competitions from the State - a step that is hardly feasible. So far as the State itself is concerned, a notice that publishers of competitions held to be lotteries might issue stating that the publishers are liable to prosecution.

INSPECTOR GENERAL OF POLICE.

Law
3073

Cross word Puzzles

5

General and Revenue Secretariat | Law File No. 156 of 1935. | [App. F. III—2

Serial No.

1) The D.S.P. suggests that this is a lottery but doubts whether the scheme can be legally classed as such. The views of the S.A. may also be obtained on the point.

He however suggests that a notice might issue stating that publishers of such Competitions are liable to prosecution

Subd for orders.

TSD 1/4

2) Forwarded with compts to the Govt advocate for favour of advice

M Parabao
1/4/36

No. nol 176-35
21-4-36.

No. 180. 173
3/4-36
3/16.4.36

Returned with compliments.

4) The question whether a competition is a lottery depends upon the scheme of the competition and the rules governing it. The decision in Coles v. Odhams' Press Ltd., rested on the facts of that particular case and does not and indeed could not lay down as a principle of law that every Crossword puzzle competition is a lottery. The test to be applied is, as enunciated in that case, whether the distribution of prizes is by 'lot or chance', or in other words, 'whether the competitors were invited to pay a certain number of pence in order to have the opportunity of taking blind shots at a hidden target'.

16 APR. 1936

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

Any

6 Cross word Puzzles

Law File No. 156 of 1935. General and Revenue Secretariat

Any Crossword Puzzle competition which comes within this test would be a lottery and those responsible for it would be liable to be prosecuted. Each case must be considered on the merits of that particular case. Applying the above test, I think, the instances under consideration come within the definition of a 'lottery'. As such advertisements are now very common and published in papers of standing, a warning might be given by means of a notice as suggested by the Inspector-General of Police before launching prosecutions.

M. Macgregor
Government Advocate.
H/15.4.1936.

SECRETARIAT 17 APR. 1936 524

A May be app^d
Ewo 21/4

15) Submitted for orders
Genl Secy) Noted - Ewo 21/4 mc 16/4
Chief Secy) mc 21/4
Mac 21-4-36

CHIEF SECRETARY 21 APR. 1936

6 21/4/36

Dpr. Sub?
BSD 21/4

16) For orders whether the warning by means of a notice has to be given by the I.G.P. or by Govt. The latter seems to me to be preferable

It is best that Govt keep back in matters Mac

Chief Secy) mc 22/4

17) The draft to IGP may be app^d for issue
Mac 23-4-36

OFFICE OF THE FIRST DEPUTY (JUDICIAL) 23 APR. 1936 2749

TYPING SECTION 24 APR. 1936 GENERAL SECTT.

J.B.C. 23/4 mc 23/4 Mac

Issue

7 5220

Serial No.

To,

The I.G.P.

no. P. 7115 d 27.4.36 pointing out that a warning may be given by means of a notice.

It is for orders whether any reply is necessary to the message 'Nivrakamaraka'

TSD 29/4 18) Let us see what notice the IGP is going to give.

RRL 29/4

Sec A 29/4.

19) Please get a report about the action taken.

RRL 6/6/36.

8. JUN. 1936 GENL & REV. SECTT.

Dft sent?

TSD 6/6

Issue RRL 6/6

Issued no P. 8153 d 10.6.36.

Sec A 11/6/36

From

The I.G.P., Bangalore.

Letter No. C-1240/35-36, dated 17th June 1936, stating that some difficulty is felt in regard to the actual notice to be issued.

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Law File No. 156 of 1935.

General and Revenue Secretariat

20) The D. G. P. States that if a notice of warning can be published and will be effective only with regard to Competitions arising in the State. The Cross word Competition notices appear mostly in outside papers, and the D.G.P is doubtful how a warning can be Communicated to such papers.

The D.G.P. further says that the Govt feels doubtful whether the Govt Adv's opinion about the illegality of the transactions extends to literature relating to "Good Will Link".

He Suggests the Magistrate as being appropriate to issue notices.

Subd for orders.

21/7 22.7.36

21) There is also another difficulty in these cases. Though the Cross word Puzzle or the Good will Link may be a lottery, there is no drawing & in its absence it is doubtful if Sec 294 A. & P.C applies. If this section does not apply, there is no other offence under the law for which they can be prosecuted & consequently no warning of such prosecution

Serial No.

would be necessary. The Govt Advocate will again be consulted on this point and on the other points raised by the I.G.P. and if he advises a notice being issued, he will be requested to suggest a draft of the same for being issued by the Durbar as suggested by the I.G.P. Refer paras 14-17 above.

Gen Sey.) 22/7

24/7

Forwarded with compts to the Govt Advocate for favour of opinion etc

M Gopalan
for Gen Sey
23/7

23 JULY 1936

U.O.No. P 17936 dated 25/7/936

From 95/36-37 of 27.7.36

No. 60/36-37 of 8.10.36

Returned with compliments.

Any notice that may be issued must be with reference to the papers which are published in our State. As publication of such advertisements would be an offence action may be taken against them if, in response to the notice they do not stop publishing them. If, however, there are no papers worth mentioning which publish such advertisements there would be no use in issuing a notice at all.

As regards the action to be taken against papers published outside the State, it is a very difficult question as such papers have no offices here and as those papers are sold here only by some book-sellers or agents.

NOTE—Contn. Sheet.

44D

LO

File No. of 193 .

General and Revenue Secretariat

I took some time to consider if by straining the language of para 2 of Section 294 A, action could be taken in Mysore against such persons under Section 294 A, I.P.C. But as the case law is against that view I do not think they can be held guilty under that section. In such cases, the British Government may take some action against the Editors etc., of such papers in the light of the decision of the English Court in WITTY v. WORLD SERVICE LTD., and we may wait and see what will be done there.

Whether any Good-will Link also comes within the scope of a Lottery would depend upon the terms of the particular scheme and unless the details are known it would be difficult to give an opinion in the matter. The test to be applied in is, as I have mentioned already, whether the distribution of prizes is 'by lot or chance' or 'whether the competitors are invited to pay a certain number of pence, in order to have the opportunity of taking blind shots at a hidden target'.

Government Advocate.

H/7.10.36.

GENL. & REV. SE 8 OCT 1936 GENL. & REV. SE

This will be sent direct to the P. G. P. for information

Gen Secy) Yes 8/10

12/10

12/10

54

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

A.G.M.O.P 78736 dated 12.10.36.

Forwarded with Compliments to the Inspector General of Police for information and return

[illegible]
for Gen: Secretary 14/10

GEN. SECRETARY. 19 OCT. 1936 MADRAS

G.O. C. 1240/35

Received with compliments

[illegible]
13.10.36 [illegible]

mc 14/10

B 14-10-36

NOTE—Contn. Sheet.

WD 0417—GPB—80,000—8-9-36

TEL. "VISVAKARNATAKA"

5330 p835

Law 15-6-35-1

T. T. SHARMAN
EDITOR

K. R. SITHA RAM
MANAGER

BANGALORE CITY

No. 1689/36

24th February 1936.

CHIEF SECRETARY
26 FEB 1936

The Chief Secretary,
to the Government of Mysore,
Bangalore.

Dear Sir,

These puzzles are a kin to lotteries - There has been a recent decision also of the Supreme Court in this matter.

Law
26/2

We desire to draw your attention to the LEADER appearing in our issue of the 16th January 1936 as also two articles published in our issues of the 4th and 7th February 1936. We received several letters from parants describing the harmful effects of the 'CROSS WORD PUZZAL COMPETITIONS' on the young minds.

We have taken the liberty to enclose for your information a copy of "GOOD WISHES & HAPPINESS" marked 'A'; a copy of "GOOD WILL LINK" marked 'B': as also a copy of "WIN RUPEES ONE LAC" marked 'C'. We have no desire to make any comments on these

these enterprises. We request you to see if effective action could be taken by the Government to check such enterprises and save the general public from exploitation. We on our part have persistantly refused to accept Advertisements of such COMPETITIONS because we consider them to be harmful to the public. We are anxious that the Government should do something immediately to save young men and women and also elders from such undesirable and ruinous - enterprises.

We shall be glad to hear from you that the Government would take up this question seriously and make a begining to do something to put an end to this evil in the State either by some LEGISLATIVE Act or by some EXECUTIVE Order.

Yours Faithfully,

Cuttings
Enclosed.

3

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 7118 Law 156-35 2 — Dated, Bangalore, 25th April 193 6.
Sec 8 27

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Inspector General
of Police in Mysore, Bangalore.

Sir,

With reference to your Un-official No.C.1240/35-36 dated 28th March 1936 regarding Cross word puzzle competitions, I am directed to enclose herewith a copy of the Government Advocate's opinion in the matter and to state that in the circumstances pointed out therein a warning may be given by means of a notice as suggested by you.

A copy of the letter dated 24th February 1936 received from the Manager Viswakarnataka together with its enclosures is herewith sent for reference.

I have the honour to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

TSS.

Appendix F G—1]

4

SUBJECT.....

.....

.....

Section Law

File No. 156-35

Serial No. 2

Diary No. of letter replied to.....

No. P 7118/Secr 8.

To The D.S.P.

General and Revenue Secretariat

( )

the *193*

Sir,

With reference to your w.o. no. C-12660/33336 dated 26.3.36 re. Cross word puzzle Competitions, I am directed to enclose herewith a copy of the S.P.'s opinion in the matter and to state that in the circumstances pointed out there in a warning may be given by means of a notice as suggested by you.

Date of issue 27.4.36

Signed by Asst. A.V.R.

List of enclosures.....

A copy of the letter dated 26.3.36 received from the Manager, Vyavahareka Press Lanka Ltd. is enclosed herewith for reference

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

I have seen

Director

Secretary

Pl 24/4

440 P 36

POLICE DEPARTMENT.

Tel. Address :
"POLICE"
PHONE No. 298

When replying, please quote No. C-12-440/35-36

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

Dated Bangalore, 17th July 1936

Law 156-35-3

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

GENERAL SECRETARIAT
17 JULY 1936

SIR,

With reference to your letter No.P.7118 Law 156-35-2 dated 25/27th April 1936 asking that a warning may be given to those concerned in connection with the holding of Cross Word Puzzle competitions, I have the honour to state that some difficulty is felt in regard to the actual notice to be issued. I requested the Government Advocate to help me with a draft notice, but he has replied to say that I may apply to Government in the Legislative Department.

With regard to the Cross Word Puzzle competition, the notices of competitions are published mostly in the outside papers like the " Times of India." How actually a warning can be communicated to such papers is a matter of some doubt and difficulty. It is only with regard to such competitions arising in the State that a warning would be effective.

With regard to the publication of literature relating to the " Good Will Link " and such other dubious ventures, it is not clear whether the Government Advocate's opinion as to the illegality of the transactions extends to them.

I would therefore request Government to examine the question once again and favour me with instructions as to the lines on which notices may issue. They may also consider whether it would not be more appropriate for the District Magistrates to issue these notices.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector General of Police.

NK.